

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO J. SANCHEZ-RIOS and  
LUIS EDWARD SANDOVAL-  
FERNANDEZ,

Defendants.

CRIMINAL ACTION NO.  
1:19-cr-00419-JPB

**ORDER**

This matter is before the Court on the Magistrate Judge's Final Report and Recommendation ("Report"). ECF No. 76. Having reviewed and fully considered the Report and related filings, the Court finds as follows:

**I. BACKGROUND**

Defendant Luis Sandoval-Fernandez ("Sandoval-Fernandez") was charged with conspiring to possess with intent to distribute methamphetamine and possession with intent to distribute methamphetamine.

The Report concerns Sandoval-Fernandez motions to suppress (i) inculpatory statements Sandoval-Fernandez allegedly made to law enforcement officials after his arrest; and (ii) evidence obtained during the traffic stop that lead to his arrest. The Magistrate Judge recommends denying both motions.

Sandoval-Fernandez did not make specific objections to the Report. In his objection, which comprised of only two paragraphs, he merely stated that he “repeats [the] arguments raised in his Post-Evidentiary Hearing Brief and Reply to the Government’s Response” and that he “hopes these arguments will convince the Court to reject the findings in the Report and Recommendation.” ECF No.78 at 1-2.

## **II. DISCUSSION**

### **A. Legal Standard**

A district judge has broad discretion to accept, reject or modify a magistrate judge’s proposed findings and recommendations. *United States v. Raddatz*, 447 U.S. 667, 680 (1980). Pursuant to 28 U.S.C. § 636(b)(1), the Court reviews any portion of the Report that is the subject of a proper objection on a *de novo* basis and any portion to which there is no objection under a “clearly erroneous” standard.

A party objecting to a recommendation “must specifically identify those findings objected to. Frivolous, conclusive, or general objections need not be considered by the district court.” *Marsden v. Moore*, 847 F.2d 1536, 1548 (11th Cir. 1988); *see also Leatherwood v. Anna’s Linens Co.*, 384 F. App’x 853, 857 (11th Cir. 2010) (finding that “only objections that identified specific findings set

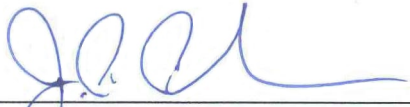
forth in the [Report and Recommendation] and articulated a legal ground for objection” were subject to a *de novo* review); *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009) (“After a magistrate judge has issued a report and recommendation under § 636(b)(1)(B), a party that wishes to preserve its objection must clearly advise the district court and pinpoint the specific findings that the party disagrees with.”). “This rule facilitates the opportunity for district judges to spend more time on matters actually contested and produces a result compatible with the purposes of the Magistrates Act.” *Schultz*, 565 F.3d at 1361.

Here, Sandoval-Fernandez did not make any specific objections to the Report. Instead, his two-paragraph objection consisted of incorporating by reference and, as he admits, thereby merely “repeat[ing]” the arguments he made to the Magistrate Judge. He did not point to any specific factual findings or legal conclusions that he contends were incorrect. As such, his “objections lack the specificity necessary to trigger *de novo* review” under *Marsden*. *Deutsche Bank Nat’l Tr. Co. for New Century v. Goree*, No. 1:14-CV-3181, 2014 WL 12861700, at \*1 (N.D. Ga. Oct. 22, 2014) (reviewing only for plain error objections that were “general in nature and state[d] only that [the] [d]efendant request[ed] that [the] [c]ourt perform a *de novo* review of the R&R”); *see also First Communities Mgmt. v. Gibson*, No. 1:11-CV-4256, 2012 WL 13129697, at \*2 (N.D. Ga. May 7, 2012)

(“Because [the] [d]efendant failed to make specific objections to the R&R’s findings of fact or conclusions of law, none of [the] [d]efendant’s objections warrant a de novo review of any portion of the R&R.”).

In any event, the Court has carefully reviewed the findings of fact and conclusions of law in the Report and finds that the Magistrate Judge’s recommendation is well supported by law—whether under a clear error or *de novo* review standard. For the reasons stated in the Report, the Court **APPROVES and ADOPTS** the Report (ECF No. 76) as the order of the Court. Sandoval-Fernandez’ Motion to Suppress Statements (ECF No. 24) and Motion to Suppress Defendant’s Traffic Stop and All Evidence Derived Therefrom (ECF No. 25) are **DENIED**.

**SO ORDERED** this 1st day of September, 2022.

  
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**J. P. BOULEE**  
United States District Judge